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Attorneys for Defendants  
Angelo Ferrara and N.F.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CORY SPENCER, an individual;  
DIANA MILENA REED, an  
individual; and COASTAL  
PROTECTION RANGERS, INC., a  
California non-profit public benefit  
corporation;

Plaintiffs,

v.

LUNADA BAY BOYS; THE  
INDIVIDUAL MEMBERS OF THE  
LUNADA BAY BOYS, including but  
not limited to SANG LEE, BRANT  
BLAKEMAN, ALAN JOHNSTON aka  
JALIAN JOHNSTON, MICHAEL  
RAE PAPAYANS, ANGELO  
FERRARA, FRANK FERRARA,  
CHARLIE FERRARA, and N.F.; CITY  
OF PALOS VERDES ESTATES;  
CHIEF OF POLICE JEFF KEPLEY, in  
his representative capacity; and DOES 1  
– 10,

Defendants.

Case No. 2:16-cv-2129-SJO (RAOx)  
The Hon. S. James Otero, Ctrm. 10C

**DEFENDANT ANGELO FERRARA'S  
AND N.F.'S OPPOSITION TO  
PLAINTIFFS' CLASS  
CERTIFICATION MOTION;  
DECLARATION OF MARK C.  
FIELD**

Date: February 21, 2017  
Time: 10 a.m.  
Ctrm: 10C  
1<sup>st</sup> Street Courthouse

Action Commenced: 3/29/2016  
Trial Date: 11/7/2017

Defendants Angelo Ferrara and N.F. hereby submit their Opposition to  
Plaintiffs' Motion For Class Certification. Defendants Angelo Ferrara and N.F. also  
join in the Oppositions and other supporting papers filed by the other Individual  
Defendants and the City of Palos Verdes Estates/Police Chief Kepley. *See Vazquez*

1 *v. Central States Joint Bd.*, 547 F.Supp.2d 833, 867. (N.D.Ill. 2008) (“It is  
2 permissible for a party to adopt the motion of another party when the facts between  
3 the parties are essentially the same and the adoption would promote judicial  
4 efficiency.”).

5 In the interests of judicial economy, Defendants Angelo Ferrara and N.F. will  
6 defer to and hereby join in the extensive legal briefing which is being done by other  
7 Defendants.

8 The only additional perspective that Defendants Angelo Ferrara and N.F.  
9 wish to express is of a more personal and pragmatic nature.

10 Plaintiffs come into the Court and request equitable relief. This is a Court of  
11 equity. But what Plaintiffs are requesting is wildly overbroad and not fair and  
12 equitable.

13 In essence, those who were allegedly bullied have now become the bullies.

14 N.F. is 17 years old. N.F. is a member of what is commonly referred to as  
15 Gen Y. As a member of Gen Y, he will grow up with certain difficulties, such as a  
16 pro rata share of an existing 20 trillion debt which continues to climb, college tuition  
17 which is out of control, and the prospect of competing against robots for available  
18 jobs. Fair enough. What is not fair or equitable is that Plaintiffs seek to impose  
19 upon 17 year old N.F. a monetary judgment for \$50 million dollars, for allegedly  
20 wrongful behavior dating back to 1970. *See* King Dec., ¶¶ 6, 19.

21 It seems particularly harsh and bullying to attempt to impose on a 17 year old  
22 boy a \$50 million liability for damages which allegedly started during the middle of  
23 the first term of the Nixon administration, especially in light of the fact that it would  
24 be another 28 years until he was conceived.

25 N.F. has had his struggles and has made mistakes, for which he has paid a  
26 steep price. Those struggles and mistakes have literally no bearing whatsoever on  
27 any issue in this case, but have been repeatedly referred to in pleadings and in  
28

1 deposition questioning for no legitimate purpose. For instance, the Declaration of  
2 Mark Slatten submitted by Plaintiffs refers at Paragraph 9(f) to actions taken at a  
3 liquor store. Is there a liquor store at the beach? There was a structure (since  
4 demolished) which has been variously described as a patio or a rock fort. No liquor  
5 store. Plaintiffs are simply throwing mud for the purpose of demeaning N.F.  
6 regardless of any rational connection to any legitimate issue in this case.

7 A 17 year old boy who has made some mistakes is entitled to a chance to  
8 rehabilitate himself. Instead, he is being dragged into this lawsuit for no reason  
9 whatsoever, and faced with the threat of a \$50 million judgment for activities dating  
10 back to the time when the five most popular TV shows (according to Wikipedia)  
11 were Marcus Welby, M.D., The Flip Wilson Show, Here's Lucy, Ironside, and  
12 Gunsmoke.

13 On the other end of the spectrum is N.F.'s father – Angelo Ferrara. Angelo is  
14 59 years old. He has surfed off and on at Lunada Bay for approximately five  
15 decades. There is not a single incident of wrongdoing by Angelo over the course of  
16 those five decades that Plaintiffs can, or even have attempted to, attribute to Angelo.  
17 No eyewitness of any wrongdoing by Angelo. No crime report against Angelo. No  
18 arrest of Angelo. No civil lawsuit against Angelo.

19 Plaintiffs' counsel has directly threatened Angelo Ferrara that he will be  
20 jointly and severally liable for a multi-million judgment and that as a result he will  
21 lose his home. See Declaration of Mark C. Fields attached hereto ("Fields Dec."),  
22 ¶2. This same threat has been directed at all the Individual Defendants.

23 Angelo Ferrara has done nothing, and Plaintiffs can point to nothing, which  
24 justifies the threat that after five decades of surfing Lunada Bay without any  
25 incident attributable to him that he will suffer a \$50 million judgment and lose his  
26 home. These types of threats are easy for Plaintiffs to make on paper pending a trial  
27 in November, but they have real life consequences. Every day between now and  
28

1 November is a day in which Angelo and his wife wakes up and wonders if they will  
2 be financially destroyed and lose their home, regardless of his surfing at Lunada Bay  
3 since the mid-1960s without wrongdoing by Angelo.

4 Summarizing, for all the reasons extensively briefed in the other Oppositions  
5 by other Defendants, there are no legal grounds to grant class certification. The  
6 intent of this Opposition is to highlight that this is not an academic issue, but has  
7 devastating real life consequences every day until Plaintiffs' overbroad and bullying  
8 approach is rebuffed and the class certification motion denied, especially with  
9 respect to class certification for monetary relief.

10  
11 Dated: January 13, 2017

LAW OFFICES OF MARK C. FIELDS, APC

12  
13 By 

14 Mark C. Fields  
15 Attorneys for Defendants  
16 Angelo Ferrara and N.F.  
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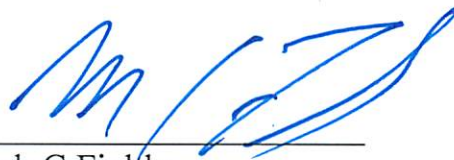
**DECLARATION OF MARK C. FIELDS**

I, Mark C. Fields, declare:

1. The facts set forth in this declaration are personally known to me and I have first-hand knowledge of them. If called as a witness to testify, I could and would testify competently to the same. I am an attorney admitted to practice before all of the Courts of the State of California, and a partner of The Law Offices of Mark C. Fields, APC, attorneys of record for Defendants Angelo Ferrara and N.F. I submit this Declaration in support of their Opposition to Plaintiffs' Motion For Class Certification.

2. I have attended all depositions taken in this lawsuit. During breaks in some of those depositions, Mr. Otten has emphasized that the Individual Defendants in this lawsuit will suffer millions of dollars of judgments against them, for which they will be jointly and severally liable. He specifically emphasized that the Individual Defendants will all lose their homes as a result of the monetary judgment he states they will suffer. In particular, Mr. Otten made those gratuitously offensive and insulting comments during a break in the deposition of Angelo Ferrara.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 13<sup>th</sup> day of January, 2017, at Los Angeles, California.



Mark C Fields